SUPPORT FOR AMENDED CLAIMS

Claims 1, 2, 6, 9, 10, 19, and 47 are as originally filed. Claims 3–5, 7–8, 11–18, 20–46, and 48–73 are amended only to remove multiple dependencies (Claims 3–5, 7–8, 11–18, 20–46, and 48–73) and non-statutory "use of" language (Claims 20–46 and 48–73). Claims 15–17, 20–45, and 48–73 are withdrawn. Support for these amendments are in the claims as originally filed.

New matter has not been added.

Claims 1–14, 18, 19, 46, and 47 are pending.

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

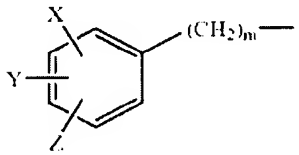
Group I: Claims 1 -14, 18-73, drawn to a sulfonamide compound of the general formula (Ia) and (Ib) and medicaments;

Group II: Claims 15-17, 20-45, and 48-73 drawn to a process for making the invention of Group I; and

Group III: Claims 20-45 and 48-73, drawn to a process for using the invention of Group I.

In response to the Restriction Requirement dated April 21, 2008, Applicants elect, with traverse, Group I, Claims 1–14, 18, 19, 46, 47 (drawn to products of formula (Ia) and (Ib)), for examination.

Applicants also provisionally elect, for examination purposes only, the compound species according to Formula Ib, wherein R^1 is $(CH_3)_2N$-; $R^2 = R^3 = R^4 = R^5 = R^6 = R^7$ is H; n is 2; and A =



Wherein m is 0 (zero); X = 2-nitro; Y and Z are H (i.e. A is 2-nitrophenyl). Lastly, Applicants provisionally elect food intake as the condition/diseases to be treated.

Applicants have amended Claims 20–45 and 48–73 as "method" claims thereby placing these claims solely into Group III. As a result, Claims 1–14, 18, 19, 46, and 47 constitute Group I.

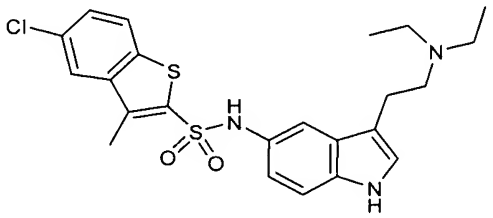
Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner should restriction not be required (MPEP §803). Moreover, when citing lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with the others (MPEP § 1893.03(d)), i.e. why a single general inventive concept is nonexistent. The lack of a single inventive concept must be specifically described.

The Examiner has alleged that Groups I–III are not linked to form a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same corresponding special technical feature for the following reason:

> "The special technical feature of Group I is a sulfonamide compound of the general formula (Ia) and (Ib). The sulfonamide compound of the general formula (Ia) and (Ib) of Group I does not present a contribution over the prior art. As disclosed in Merce-Vidal et al (US 7,105,515 B2), N-[3-(2-diethylaminioethyl)-1H-indole-5-yl]-5-chloro-3-methylbenzo[b]thiophene-2-sulfonamide of instant claim 14 is anticipated (Column 3, Lines 40-41, Example 1). As such, Group I does not share a special technical feature with the instant claims of Group II-III. Therefore, the claims are not so linked with the meaning of PCT Rule 13.2 so as to form a single inventive concept, and unity between Groups I-III is broken."

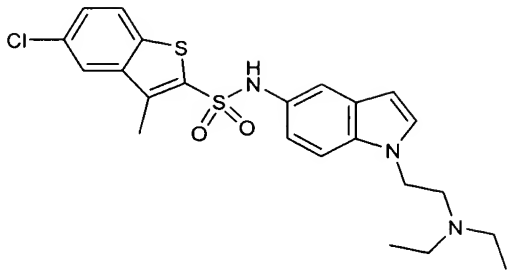
The Examiner has alleged that compound [I], referenced above, of US 7,105,515 B2 ('515) is *a priori* identical to compound [24] of the present application.

US Patent '515 discloses a compound of the formula [I]:



[I] (US '515)

Applicants respectfully submit that the name for compound [I] in ('515), referenced above, is incorrect and does not correspond to this compound. Rather, the name should be (3-diethylaminoethyl-1H-indol-5-yl)-5-chloro-3-methylbenzo[b]thiophene-2-sulfonamide. Conversely, compound [24] of the instant application has the following structure, which is structurally different from compound [I] of '515:



[24] of instant specification

Applicants respectfully point out to the Examiner that for compound [24] of the present application the indole functional group is always substituted at the 1-position with an amino(alkenyl) or a cycloaliphatic(alkenyl) radical for compounds (Ia) and (Ib). However, the 1-position of the compound of '515 is substituted with H, C_1–C_4 alkyl, or benzyl functional groups. This difference in substitution at the 1-position of the respective indole functional groups shows how compounds [I] of '515 and [24] of the present application are structurally different.

Applicant respectfully submits that in view of the above, sulfonamide compounds of formulae (Ia) and (Ib) are not anticipated by US '515 and therefore, compounds of general formulae (Ia) and (Ib) do present a contribution over the prior art and are so linked so as to form a single inventive concept.

For the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore request that the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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